

MDL 1689

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 24 2005

RELEASED FOR PUBLICATION

FILED
CLERK'S OFFICE

DOCKET NO. 1689

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE AIR CRASH NEAR WOODBURY, CONNECTICUT, ON DECEMBER
20, 2002**

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL* AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

This litigation currently consists of the three actions in the District of Connecticut, two actions each in the Eastern District of Pennsylvania and Middle District of Pennsylvania, and one action in the Eastern District of New York as listed on the attached Schedule A. Before the Panel is a motion, pursuant to 28 U.S.C. § 1407, brought by plaintiff in seven of the eight actions for coordinated or consolidated pretrial proceedings of these actions in the Eastern District of New York. Defendants Teledyne Mattituck Services, Inc.; Teledyne Technologies, Inc.; and Teledyne Continental Motors, Inc., join in plaintiff's motion. Defendants AVCO Corp., on behalf of its Lycoming Engines Division, and Textron Inc. oppose the motion. If the Panel deems centralization appropriate, then these defendants would support centralization in the Middle District of Pennsylvania or, in the alternative, the District of Connecticut, a district also supported by moving plaintiff in the alternative.

On the basis of the papers filed and hearing session held, the Panel finds that these eight actions involve common questions of fact, and that centralization under Section 1407 in the Eastern District of New York will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions concern the cause or causes of the crash of an airplane near Woodbury, Connecticut, on December 20, 2002. Centralization under Section 1407 is thus necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

We are persuaded that the Eastern District of New York is an appropriate transferee forum for this docket. Relevant discovery will likely be conducted within this district, where the aircraft and pilot were based and the aircraft's engine was overhauled. We also observe that the intended destination of the aircraft was an airport within the Eastern District of New York.

* Judge Vratil took no part in the decision of this matter.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Eastern District of New York are transferred to the Eastern District of New York and, with the consent of that court, assigned to the Honorable Charles P. Sifton for coordinated or consolidated pretrial proceedings with the action pending in that district and listed on Schedule A.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1689 -- In re Air Crash Near Woodbury, Connecticut, on December 20, 2002

District of Connecticut

Norma Knopf, etc. v. Master Aviation, Inc., et al., C.A. No. 3:04-2095

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 3:04-2096

Mark Rehl, et al. v. Lear Romec, et al., C.A. No. 3:04-2109

Eastern District of New York

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 1:04-5420

Eastern District of Pennsylvania

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 2:04-5713

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 2:04-5714

Middle District of Pennsylvania

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 4:04-2705

Norma Knopf, etc. v. Avco Corp., et al., C.A. No. 4:04-2719